

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

DEXTER HOLDER, #39422

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05cv57-DCB-JCS

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

**ORDER**

This is before the Court on several motions filed by the Plaintiff and addressed as follows:

1. Plaintiff has filed an Amended Motion to proceed *in forma pauperis* (docket # 11). To the extent that this motion amends his previous request for *in forma pauperis* status, which was granted, the Amended Motion is hereby granted.

2. Plaintiff has filed a Motion for Temporary Restraining Order (docket # 14). Because the Plaintiff is no longer incarcerated at the facility where the alleged constitutional violations occurred, this motion is denied as moot.

3. Plaintiff has filed a Motion for Case Status and for Subpoena Forms (docket # 16), which is granted in part and denied in part. The Court will not issue subpoena forms at this time. Furthermore, a hearing will be scheduled when the Defendants have answered. Because there is no return of service for the summons, it is unclear to the Court whether summons has been served. Accordingly, the United States District Clerk is hereby directed to re-issue summons to CHRISTOPHER EPPS at Mississippi Department of Corrections, 723 N. President Street, Jackson, MS 39202, and SUE BURKHALTER, P. GUIN, and DR. HERRINGTON at Wilkinson County Correctional Facility, 2999 Hwy. 61 North, Woodville, MS 39669. A

response to the complaint is required. The Clerk is directed to attach a copy of this order to each complaint that will be served on the named defendants. The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d).

It is the plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

SO ORDERED, this the 12th day of January, 2006.

s/ James C. Summer \_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE